

O I P E JC95  
SEP 20 2004

PATENT  
Customer No. 22,852  
Attorney Docket No. 08888-0512

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: )  
Daniel SCHERMAN et al. ) Group Art Unit: 1632  
Application No.: 09/931,007 ) Examiner: R. Shukla  
Filed: August 17, 2001 )  
For: SYSTEM FOR REGULATING IN ) Confirmation No.: 2754  
VIVO THE EXPRESSION OF A )  
TRANSGENE BY CONDITIONAL )  
INHIBITION )

**MAIL STOP AF**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**NOTICE OF APPEAL**

Sir:

Applicants appeal to the Board of Appeals from the Examiner's decision mailed April 20, 2004.

The item(s) checked below are appropriate:

1.  A Petition for extension of time to respond to the final rejection was filed on [Date] extending the period for response to [Date].
2.  A Petition for a two month extension of time to extend the period for response to September 20, 2004, is enclosed. Please charge the fee of \$420.00 to Deposit Account No. 06-0916.
3.  The Appeal Fee of \$330.00 (or \$165.00 if by small entity)  
 is enclosed or  is to be charged to Deposit Account No. 06-0916.
4.  A check for \$[Fee] to cover the above fees is enclosed.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: September 20, 2004

By: 

Steven P. O'Connor  
Reg. No. 41,225  
(571) 203-2718

Finnegan, Henderson, Farabow,  
Garrett & Dunner, L.L.P.  
Customer No. 22,852